

City Council Introduction: **Monday**, April 2, 2001
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01-52

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3134B**, an amendment to the **WILLOW SPRINGS FINAL PLANNED UNIT DEVELOPMENT**, requested by Scott Sullivan of Erickson & Sullivan Architects, on behalf of Christian Retirement Homes, Inc. d/b/a Eastmont Towers, to add and operate a six bed health care facility, on property generally located at South 78th Street and Pioneers Blvd.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/07/01
Administrative Action: 03/07/01

RECOMMENDATION: Conditional Approval (9-0: Krieser, Schwinn, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5.
2. The applicant's testimony is found on p.8-9.
3. There was no testimony in opposition.
4. The applicant reported that the developer did meet with the neighborhood, which resulted in orienting the garage with access on the south side and the door facing Pioneers. (See Minutes, p.8).
5. On March 7, 2001, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report (p.5-7).
6. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 26, 2001

REVIEWED BY: _____

DATE: March 26, 2001

REFERENCE NUMBER: FS\CC\FSCZ3134B

W44

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows the area as Urban Residential with Wetland & Water Bodies.

HISTORY:

During the **1979 Zoning Update** the property was converted from A-1 Single Family to R-1 and R-3 Residential.

On **August 19, 1996**, the City Council approved the Willow Springs Preliminary Planned Unit Development. The final plan was not approved within the one year time period.

On **December 15, 1997**, the developer's request for a waiver to the preliminary planned unit development procedure was granted by the Planning Director.

On **August 17, 1998**, the Willow Springs Final Planned Unit Development/Change of Zone #3134 was approved by the City Council.

On **September 14, 1998**, the Willow Springs Preliminary Plat was approved by the City Council.

On **November 8, 1999**, the City Council approved an amended Willow Springs Final Planned Unit Development/Change of Zone #3134A. This change reduced side yards in the area zoned R-1 from 10 feet to 5 feet.

SPECIFIC INFORMATION:

UTILITIES: Available.

TOPOGRAPHY: Generally flat.

TRAFFIC ANALYSIS: Pioneers Blvd. is shown as a minor arterial in both the Existing and Future Functional Street and Road Classifications. The section of Pioneers Blvd. abutting the property is shown on the Improvements for Future Road Network 1-25 Year Program as having four through lanes, left turn lane, raised medians and 100 ft. of right of way. According to Trip Generation, 6th Edition, a nursing home with six beds generates 15.66 weekday trips and 12.9 Saturday trips. Pioneers Blvd. has a building line district of 50' from centerline at this location.

REGIONAL ISSUES: Availability of Hospice facilities.

ENVIRONMENTAL CONCERNS: The original Willow Springs P.U.D. mitigated 0.51 acres of wetlands. The Landscape Plan shows Scotch Pine, which has a high susceptibility to Pine Wilt Disease.

AESTHETIC CONSIDERATIONS: None apparent.

ALTERNATIVE USES: Single family housing, as approved by the original P.U.D.

ANALYSIS:

1. This is a request to amend the Willow Springs Final PUD to show a six bed health care facility on the NW corner of S. 78th and Pioneers Blvd. The amendment also combines Lots 7, 8, and 9, Block 4 into single Lot 7 and rennumbers Lot 10 to Lot 8. An Administrative Final Plat will be required to finalize these changes.
2. Per 27.03.310(b) LMC, a health care facility is a building or structure used as a “convalescent or nursing home.”
3. According to the applicant, the purpose of the facility is to “provide health care to those with a life-limiting disease while collaborating with a Hospice Organization. Care would be provided in a home-like atmosphere instead of a nursing home setting. Eastmont would provide nursing care (staffed by an LPN 24 hours a day).”
4. The proposed use meets the definition of “health care facility.”
5. Section 27.60.020(a)(i) LMC indicates that no more than 10% of the total land area in this P.U.D. may be devoted to “land uses not otherwise permitted in the zoning district for which the general planned unit development is proposed.” The proposed use is allowed by Special Permit in both the R-1 and R-3 Residential districts, and not subject to Section 27.60.020(a)(i).
6. Although this application is amending a P.U.D., it should meet the standards outlined in 27.63.080 LMC - Permitted Special Use: Health Care Facilities:

27.63.080 Permitted Special Use: Health Care Facilities.

Health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-3, or I-1 zoning districts under the following conditions:

- (a) Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

The application shows more parking than is required for a six bed facility with two employees on the largest shift. The parking shall be screened according to design standards.

- (b) Yard and area regulations.

- (1) Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

The proposed building occupies 19.9% of the total land area to be used by the applicant.

- (2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

No yard abuts a nonresidential district.

(3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

The yards meet this requirement. The site plan states that “the building height shall not exceed 20’.”

(4) Required front and side yards shall be landscaped.

The Landscape Plan shows landscaping in the front, rear, and side yards, as well as adjacent to the building.

(5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

The applicant has not requested any adjustments.

(c) The proposed health care facility shall conform to all applicable state and federal requirements.

This is stated in the conditions of approval.

(d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.

The facility is on the corner of Pioneers Blvd., which is classified as a minor arterial.

7. The proposed use meets the requirements for a health care facility by special permit.

STAFF RECOMMENDATION:

Conditional Approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Provide parking lot screening which meets design standards; evergreen shrubs are required on both sides of the driveway.
2. On Landscape sheet L2, remove “Note: This area way to be included in the parking screen.”

3. Show the street trees on the enlarged Landscape Plans (L1 and L2).
4. Revise note 4 on Site Plan S1 to read "(D) Total land coverage 19.9%".
5. On Sheet 1, in the Calculations for a Health Care Facility, change ".199%" to "19.9%"; "1 staff member per shift" to "2 staff members per shift"; and "6 bed facility w/one staff member" to "6 bed facility w/two staff members".
6. On Sheet 1, replace "This building" with "The health care facility".
7. On Sheet 1, dimension the eastern property line for the health care facility.
8. On Sheets L1 and S1, revise the building envelope so that it does not encroach on the required yards.
9. Replace Scotch Pine with a species less susceptible to Pine Wilt Disease.
10. Revise the botanical name for Miss Kim Lilac to "syringa palibiniana".
11. Revise the following design height and spreads (height/spread):
 - Swamp white oak to 60'/50'
 - Douglas fir to 30'/12'
 - Hancock coralberry to 1'1/4'
2. This approval permits:
 - 2.1 50 dwelling units
 - 2.2 Three office/medical office buildings with a total floor area of 17,325 square feet.
 - 2.3 A six bed/6,360 square foot health care facility
 - 2.4 A waiver to the private roadway design standards to permit a 100' centerline radius and tangent length between curves in Weeping Willow Lane.
 - 2.5 A waiver to the storm sewer design standards to not require storm water ditch liners.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan and 3 copies to the Planning Department.
 - 3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

3.4 The facility shall meet all applicable state and federal requirements.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
5. The site plan as approved with this ordinance voids and supersedes all previously approved site plans.

Prepared by:

Jason Reynolds
Planner

**CHANGE OF ZONE NO. 3134B
AMENDMENT TO THE WILLOW SPRINGS
FINAL PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer.

Planning staff recommendation: Conditional approval.

Proponents

1. Scott Sullivan of Erickson-Sullivan Architects, presented the application on behalf of the applicant, **Eastmont Towers**. Eastmont desires to build an assisted living facility on the northwest corner of 78th & Pioneers Blvd. This assisted living facility will have a unique aspect as it will be for patients that are terminally ill, with a goal to provide a home-like atmosphere for the patients and visiting family. There will be six bedrooms. There will be 24-hour nursing care, three meals daily, linen/laundry service, transportation, and nursing consulting.

With regard to the site plan, they have intentionally located the required parking lot to the south edge of the three lots to provide some acoustical separation from the traffic for residents and to minimize the vehicular impact on 78th Street, thereby bringing the cars into the parking lot as soon as possible.

Although the building is large in scale, 6300 sq. ft., it is designed such that it is divided into three components as they address 78th Street to reduce the scale of the building more in line with the residences across the street.

In addition to landscape requirements, extensive landscaping will be provided around the building to provide the residential aspect of the facility.

The six bedroom facilities for patients will have their own shower and toilet facilities. There is a shared living room and dining room, child's play room, kitchen, and solace room in addition to facilities for staffing, laundry facilities, and single stall garage.

Sullivan reported that the developer did meet with the neighborhood and there was one request to orient the garage with access on the south side with the door facing Pioneers. This resulted in only needing one driveway off 78th Street.

In terms of aesthetics, the goal is to provide a homelike facility. This takes three lots, but the front elevation shows that the components are built into three projecting toward 78th to give more of an impression of smaller buildings more in unison with the residences across the street. The building will be low maintenance windows, brick facade, all in keeping with residential aesthetics.

The applicant agreed with the conditions of approval.

There was no testimony in opposition.

Public hearing was closed.

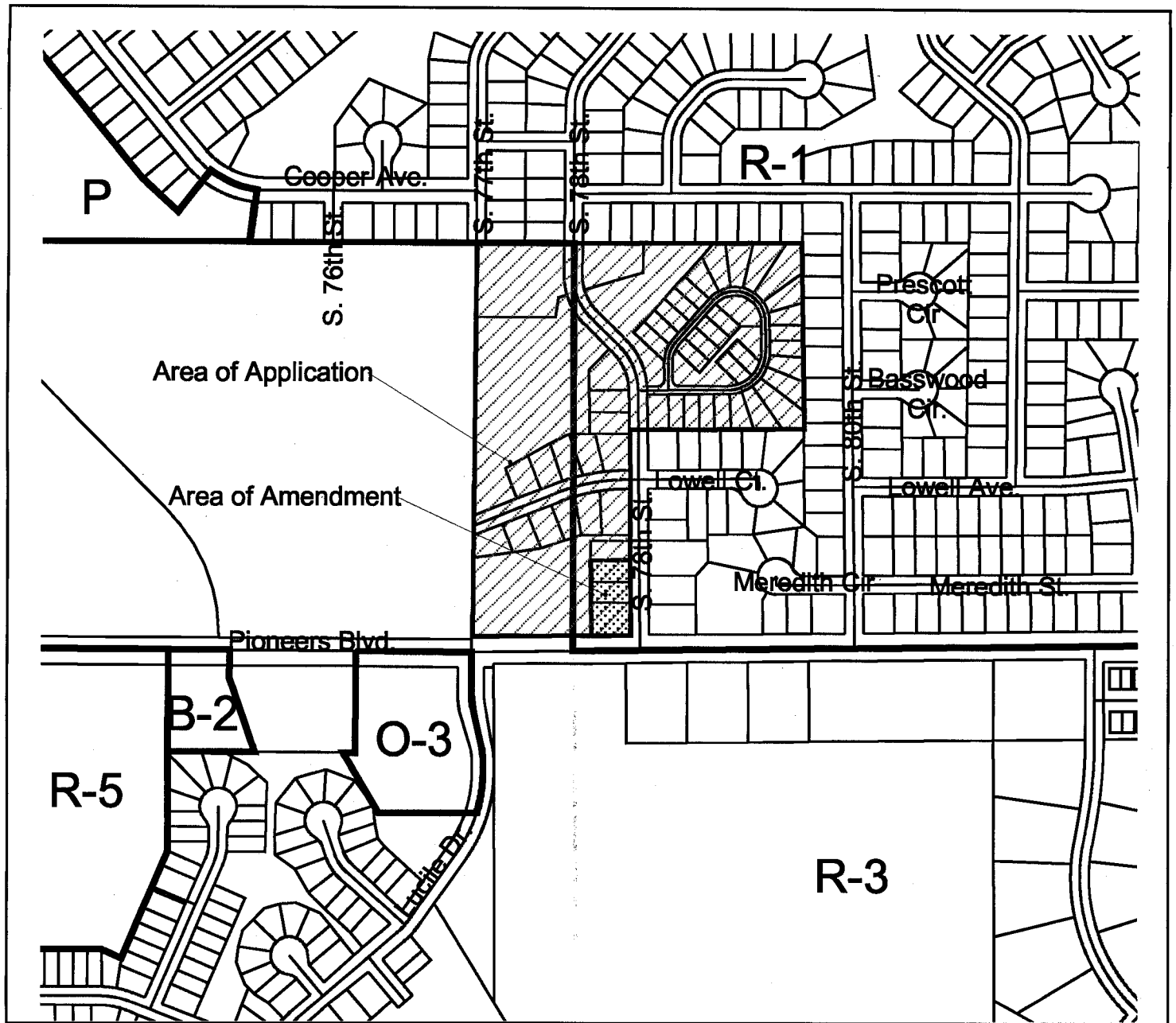
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Newman.

Schwinn commented that this is in his neighborhood. Many times we have concerns about this type of facility and sometimes opposition, but this is a very good use for this property and he believes his whole neighborhood will welcome this project. This is the type of facility that needs to be integrated into existing neighborhoods.

Motion for conditional approval carried 9-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer voting 'yes'.



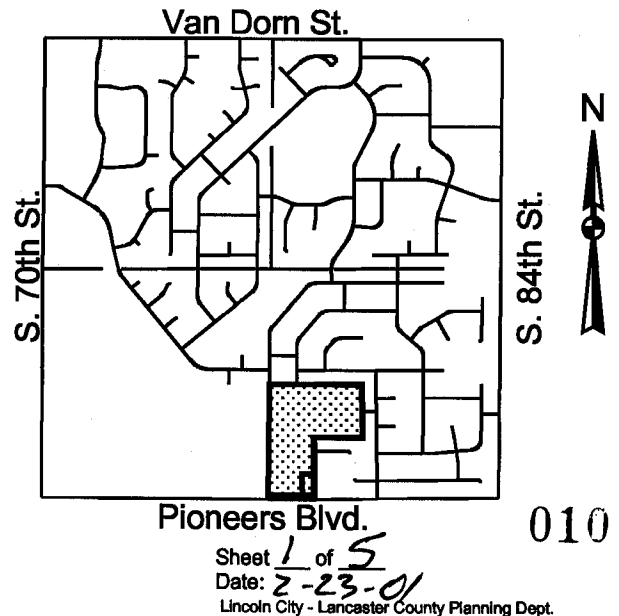
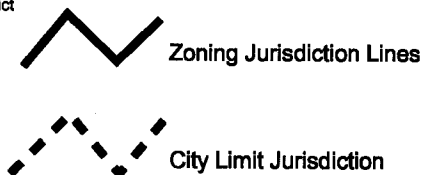
Change of Zone #3134B S 78th & Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

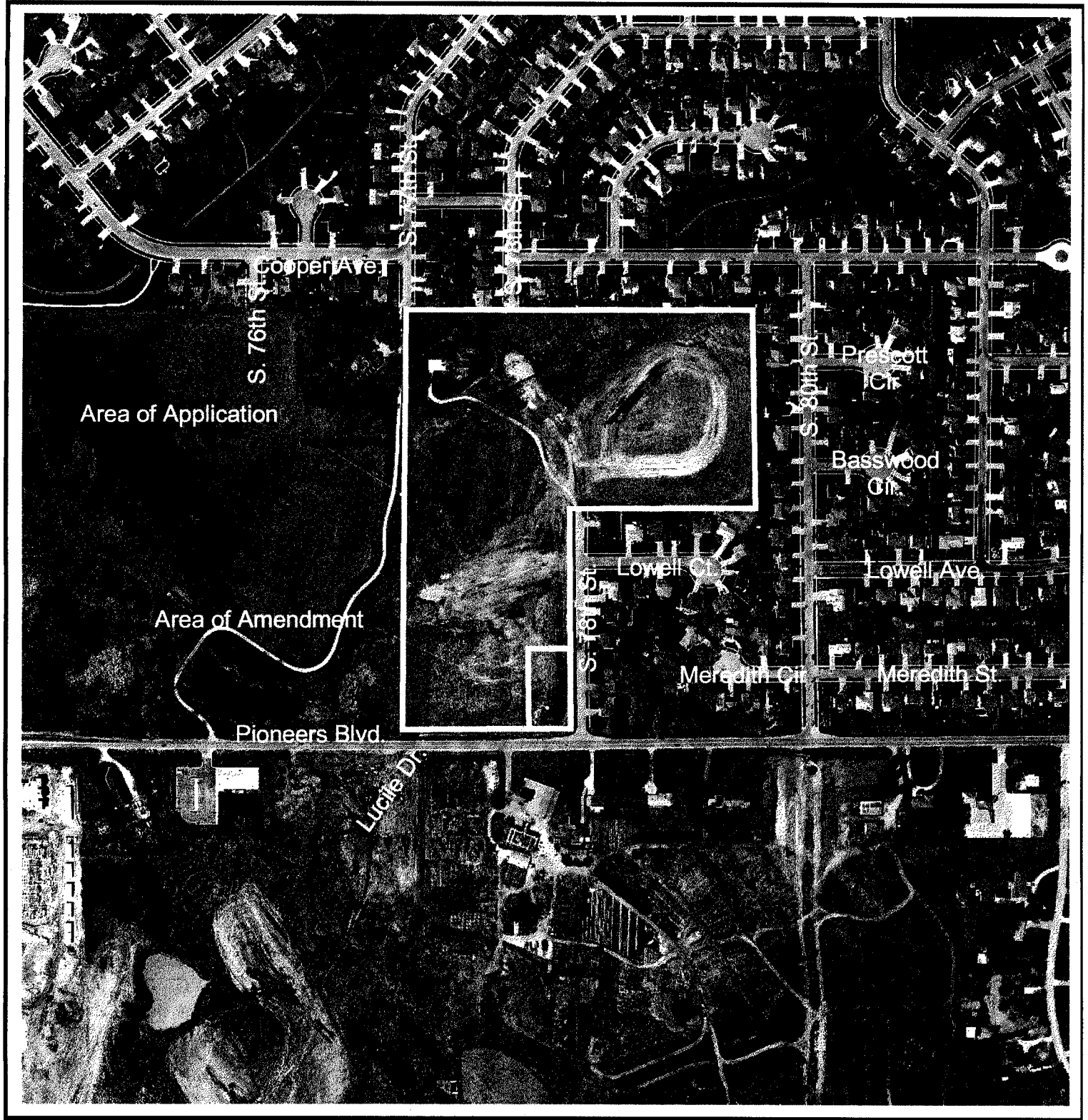
m:\plan\arcview\jason\cz3134b(layout1)

One Square Mile
Sec. 3 T9N R7E



Sheet 1 of 5
Date: 2-23-01
Lincoln City - Lancaster County Planning Dept.

010



Change of Zone #3134B **S 78th & Pioneers Blvd.**

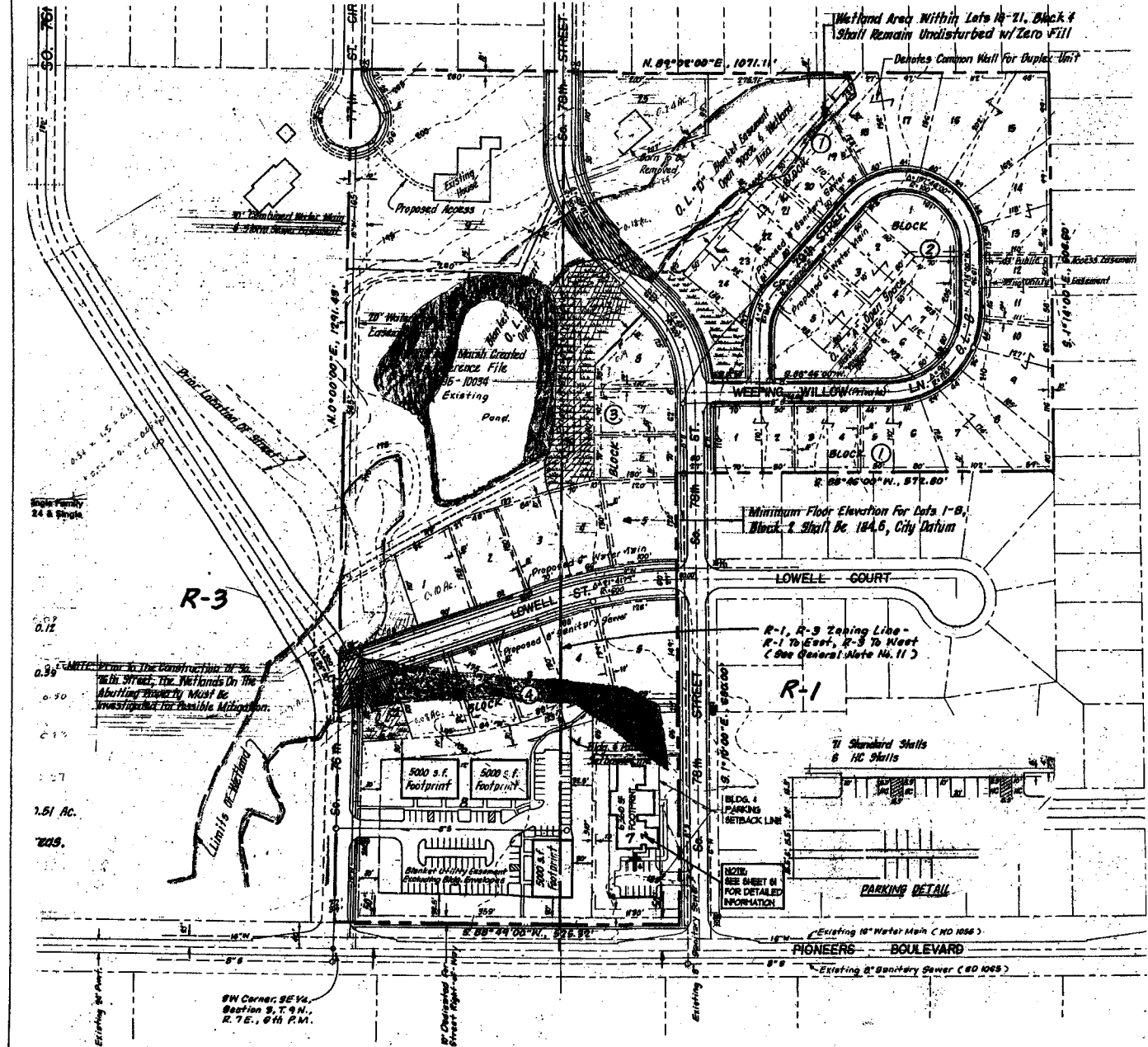


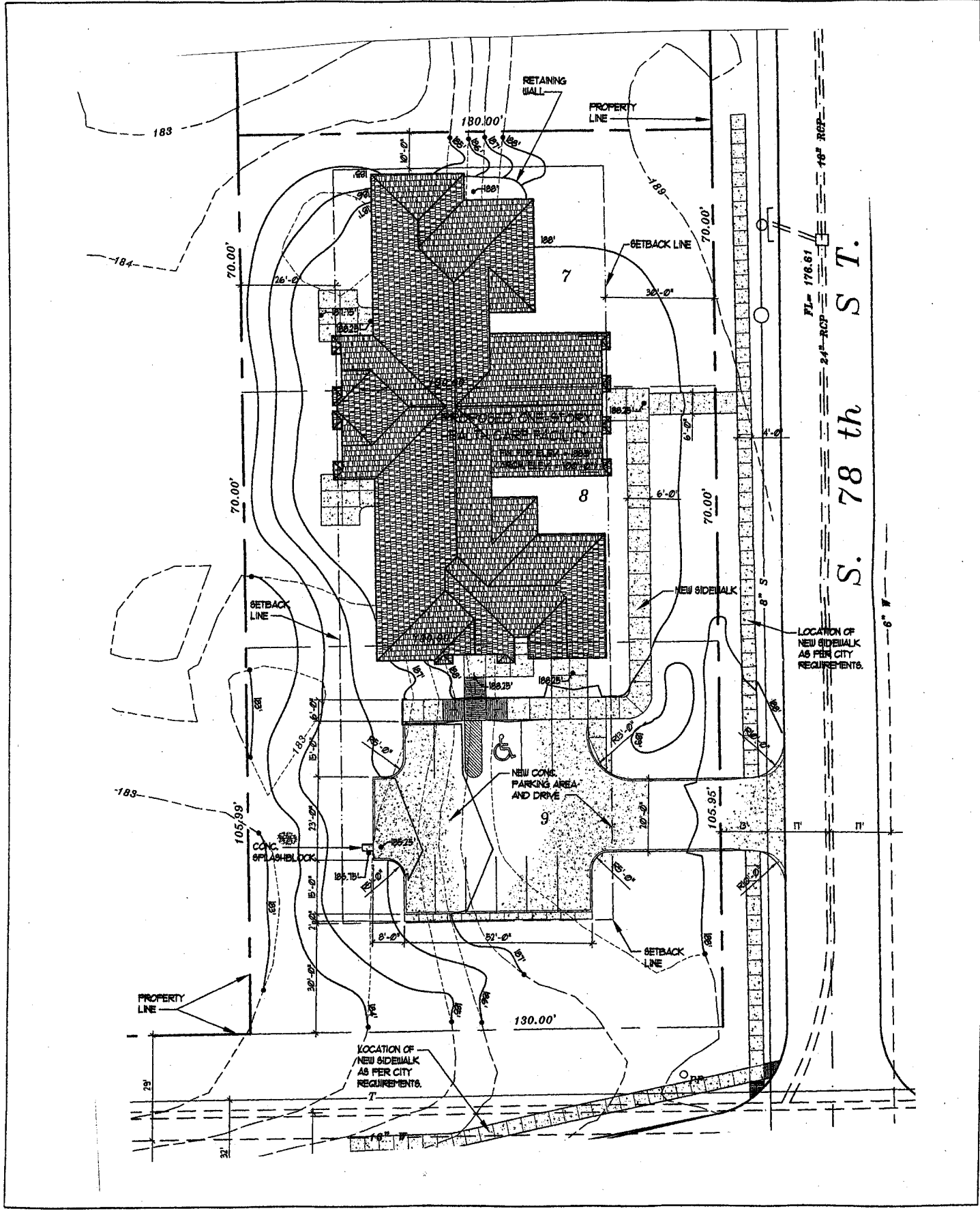
Sheet 2 of 5

Date: 2-23-01 011

Photograph Date: 1999

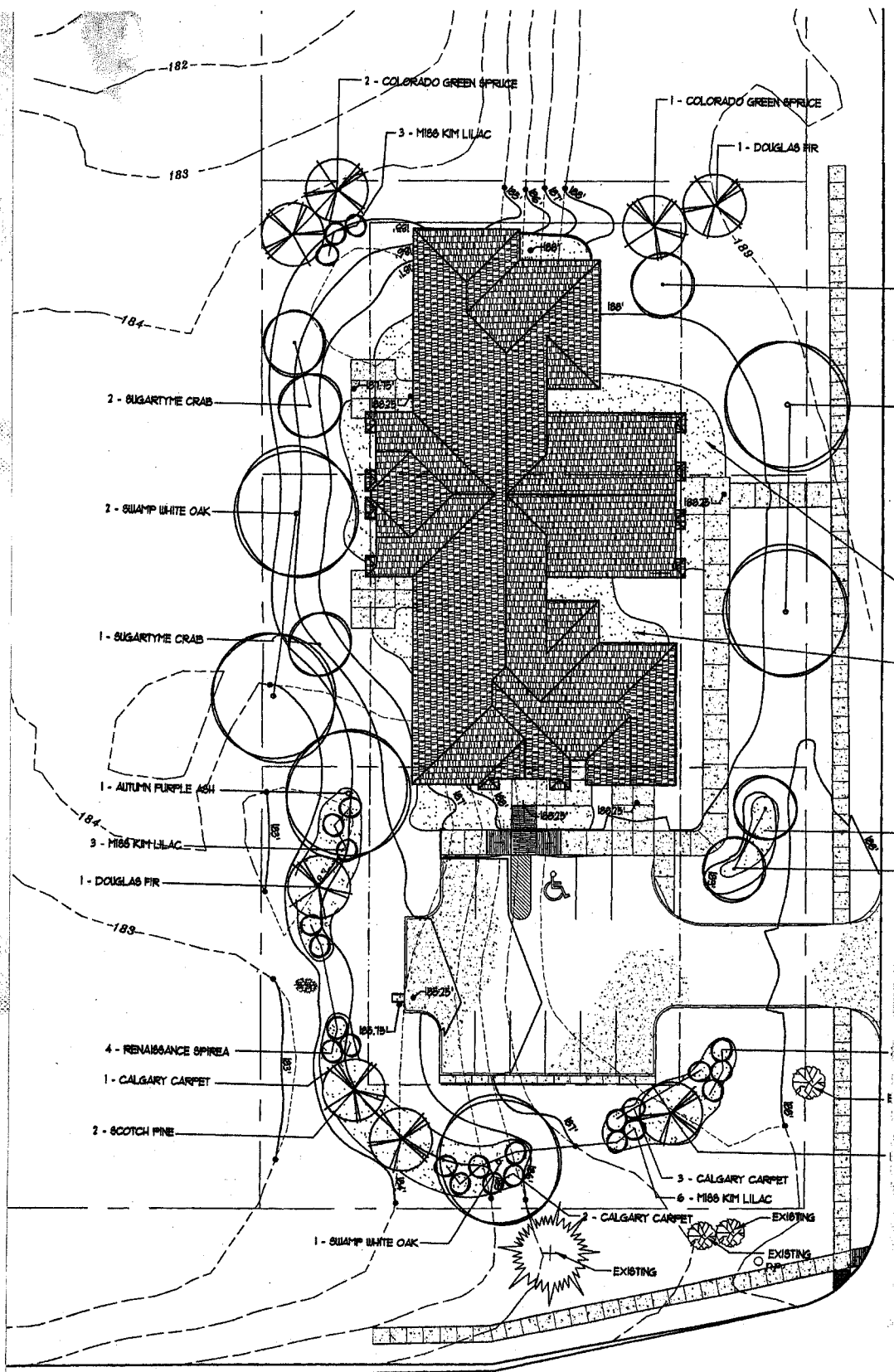
Lincoln City - Lancaster County Planning Dept.

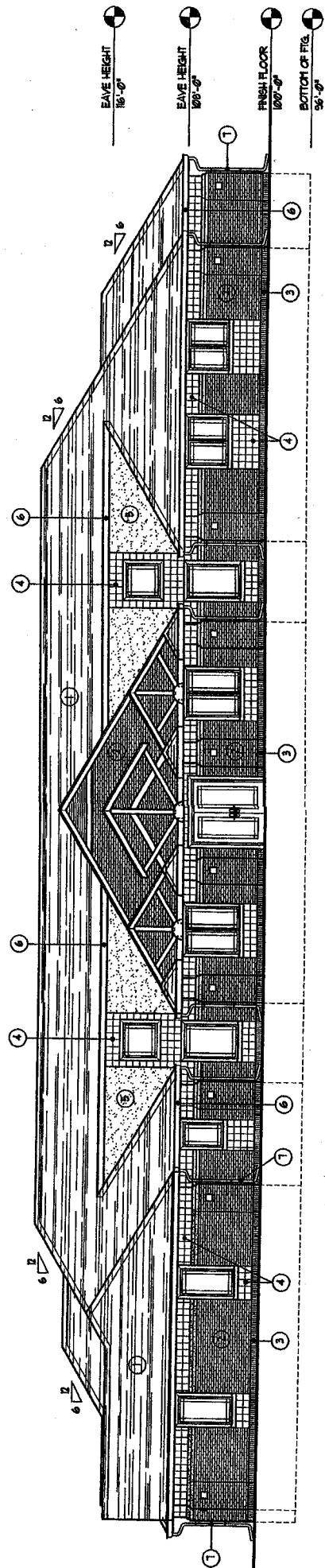




Sheet: 4 of 5
 Date: 2-22-01



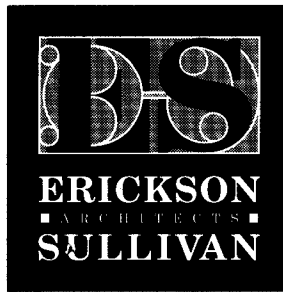




EAST ELEVATION

February 7, 2001

Kathleen Sellman
City Planning Department
555 S. 10th Street
Lincoln, NE 68508



RE: Eastmont End-of Life Facility – Special permit request.

Dear Kathleen:

On behalf of Eastmont Towers, I am submitting this petition to amend the zoning ordinance for the property located at the corner of 78th and Pioneers Boulevard. This facility will provide health care to those with a life-limiting disease while collaborating with a Hospice Organization. Care would be provided in a home-like atmosphere instead of a nursing home setting. Eastmont would provide nursing care (staffed by an LPN 24 hours a day).

This request is being made due to the fact that this property is in a P.U.D. Without the P.U.D., our request would fall under a special use permit for a R-1 zoning.

It is the intent of the owner to provide care for persons of all ages. For this reason, the facility is being presented as a Health Care Facility instead of a Domiciliary Care Facility. The calculations on the site plans reflect a Health Care Facility.

The site parking will be screened with landscaping in accordance to City Codes. Additional landscaping will be provided as noted on the attached landscape plans. The building will utilize the local building material covenants for the development. This includes brick veneer on all exterior walls and an asphalt shingled roof.

Attached is a completed petition to amend the zoning ordinance form, two copies of certification of ownership of the property, plan sheets (amend P.U.D. survey plans, site plan, landscape plans, floor plan and elevations) and the application fee for \$400.00

Please call if you have any questions or require additional information.

Thank you for your attention to this request.

Sincerely,

Nick Amen
Project Manager

Enc. Application fee

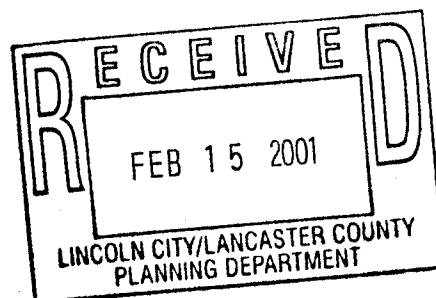
Memorandum

To: Ray Hill, Planning
From: Rachel Martin, Parks and Recreation
Date: February 15, 2001
Re: Willow Springs

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) Designated street trees are correct.
- 2) Recommend Scotch Pine not be planted for landscape screen because of high susceptibility to Pine Wilt Disease. Use Colorado Blue Spruce, Colorado Spruce, Black Hills Spruce, or Wyoming Spruce as a substitute for Scotch Pine.

Please phone me at 441-7936 with any questions.



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01016**

Address

Job Description: **WILLOW SPRINGS**

Location: **WILLOW SPRINGS**

Special Permit: **N**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **Y 3134**

Requested By: **RAY HILL**

Status of Review: **Approved**

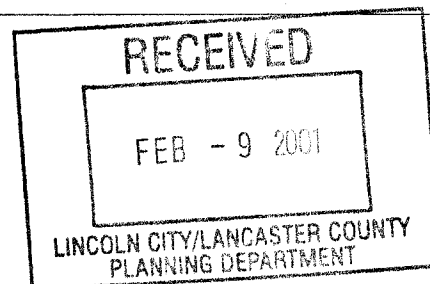
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

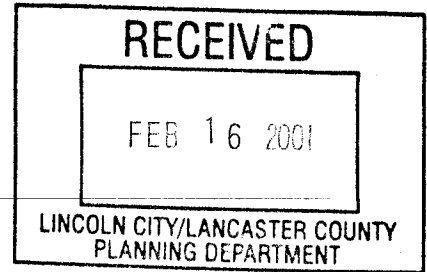
Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



Memorandum



To: Ray Hill, Planning Department
From: Charles W. Baker, Public Works and Utilities *Belt*
Subject: Willow Springs PUD
Date: February 16, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed End-of-Life Facility at S 78th and Pioneer Blvd. and has the following comment:

The proposed parking appears to meet design standards, however, the parking stalls and drive aisles need to be dimensioned. Public Works will review the parking lot layout during the building permit process with the Department of Building and Safety.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Ray Hill

DATE: 2/20/2001

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: Willow Springs PUD
3134 B

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application and has not, as this time, identified any serious environmental health risks.

However, the following are noted.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- State of Nebraska Department of Health and Human Services must review and approve plans for the Hospice facility prior to construction.